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10/30/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
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Docket No. 108026-07004
Date: October 25, 2002
Examiner: Donna Wortman
Art Unit: 1648

CFR
Sent - 10/30/02

CONTINUED PROSECUTION APPLICATION TRANSMITTAL UNDER RULE 1.53(d)

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231/

RECEIVED

OCT 29 2002

TECH CENTER 1600/2900

Sir:

Transmitted herewith under 37 C.F.R. §1.53(d) is a request for filing a

☒ Continuation ☐ Divisional

continued prosecution application of prior pending Application No. 08/879,139, filed June 19, 1997,

For (Title): ANTIBACTERIAL THERAPY WITH BACTERIOPHAGE GENOTYPICALLY
MODIFIED TO DELAY INACTIVATION BY THE HOST DEFENSE SYSTEM

(Amended Title):

By (Inventors): Carl R. MERRIL, Richard M. CARLTON, Sankar L. ADHYA

1. ☒ Abandon said prior application as of the filing date accorded this application.
2. ☒ The filing fee is calculated below:

CLAIMS REMAINING IN THE APPLICATION AFTER
ENTRY OF ANY PRELIMINARY AMENDMENT OR
AMENDMENT UNDER 37 C.F.R. §1.116 NOTED BELOW

FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	13 - 20	= 00
INDEP CLAIMS	01 - 3	= 00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		

* If the difference is less than zero, enter "0".

SMALL ENTITY

RATE	FEE
	\$ 370
x 9 =	\$
x 42 =	\$
+140 =	\$
TOTAL	\$

OR
OR
OR
OR
OR
OR

OTHER THAN A
SMALL ENTITY

RATE	FEE
	\$ 740
x 18	\$
x 84	\$
+280	\$
TOTAL	\$ 740

10/28/2002 AWONDAF1 00000099 08879139

01 FC:1006

740.00 DP

3. ☒ A check in the amount of \$740 to cover the filing fee is attached. The Commissioner is hereby authorized to charge any other fees that may be required to complete this filing, or to credit any overpayment, to Deposit Account No. 01-2300.
4. ☐ No fee is attached. Please do not charge our deposit account.
5. ☐ Cancel in this application claims _____ of the prior application before calculating the filing fee. At least one independent claim is retained for filing purposes.
6. ☐ Please enter in the present application the Amendment Under 37 CFR §1.116 with any attachments filed on _____ in said prior application, which was not entered therein.
7. ☐ This application is filed by fewer than all the inventors named in the prior application (37 C.F.R §1.53(d)(4)). Delete the following inventor(s) named in the prior application:

8. ☐ A Preliminary Amendment is enclosed. Claims added by this Amendment are properly numbered consecutively beginning with the number next following the highest numbered claim in the prior application.
9. ☐ An Information Disclosure Statement is attached along with Form PTO-1449 and _____ references.
10. ☐ Small entity status:
☐ a. A small entity statement is attached.
☐ b. A small entity statement was filed in the parent application and such status is still proper and desired.
☐ c. Small entity status is no longer claimed.
11. ☐ Applicant(s) request(s) suspension of action under 37 CFR 1.103(b) for a period of month(s) (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
12. ☐ Other: _____
13. ☒ Address all future communications to:

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Respectfully submitted,



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27931

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